

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:21-CV-188-D

S.J., a minor, et al.,

Plaintiffs,

v.

LENDLEASE (US) PUBLIC  
PARTNERSHIP HOLDINGS, LLC, et al.,

Defendants.

**ORDER**

This matter is before the court on the unopposed motion filed by defendants [DE-90], pursuant to Federal Rule of Civil Procedure 35, requesting that (i) plaintiffs each appear for an independent medical examination (“IME”) by H. James Wedner, M.D.; (ii) Lindsay Johnson and Scott Johnson each appear for a neuropsychological IME by Nicole Werner, Ph.D., ABPP; and (iii) S.L.J., T.J., and S.J. each appear for a neuropsychological IME by Levi Armstrong, Psy.D., M.S., PsyPharm. For each requested IME, the unopposed motion provides the time, place, manner, conditions, and scope of the examination, as well as the person who will perform it. For each of the requested IMEs, the motion states that the examination “cannot be recorded.” [DE-90] at 3, 4, 6.

On April 11, 2023, the court held a telephonic hearing regarding this motion, for the purpose of confirming the dates and times agreed upon by the parties for the IMEs, and determining the need, if any, to reschedule any requested examinations predating the telephonic hearing. Counsel for plaintiffs and counsel defendants appeared telephonically, and each was heard regarding the motion. Counsel for each party confirmed the dates and times of the IMEs, including confirmation that the examinations predating this order, as listed below, had taken

already taken place and that there was no need for rescheduling.

During the telephonic hearing, counsel for plaintiffs raised, for the first time since the unopposed motion was filed on March 27, 2023, her opposition to the lack of recording of the IMEs. Counsel for defendants opposed this request. In response to the undersigned's questions, counsel for plaintiffs provided that she was not making an oral motion seeking the court's intervention at that time. The undersigned instructed counsel to make the appropriate filing(s) should plaintiffs' seek the court's intervention to resolve any issue in dispute regarding the IMEs.

For good cause shown for the reasons stated in the motion, and during the telephonic hearing, defendants' unopposed motion is GRANTED. Accordingly, the court ORDERS plaintiffs to appear for independent medical examinations as follows:

**Plaintiffs' Medical Examinations**

Date: Monday, April 3, 2023  
Time: 9:00 AM  
Location: Medicine Multi-Specialty Clinic  
10 Barnes W. Drive, Suite 200 – Office Building #2,  
St. Louis, Missouri 63141  
Examiner: H. James Wedner, M.D.

**Lindsey Johnson's Neuropsychological Medical Examination**

Date: Thursday, April 13, 2023  
Time: 8:00 AM  
Location: 4444 Forest Park Avenue, Suite 2306  
St. Louis, Missouri 63108  
Examiner: Nicole Werner, Ph.D., ABPP

**Scott Johnson's Neuropsychological Medical Examination**

Date: Friday, April 14, 2023  
Time: 8:00 AM  
Location: 4444 Forest Park Avenue, Suite 2306  
St. Louis, Missouri 63108  
Examiner: Nicole Werner, Ph.D., ABPP

**S.L.J.'s Neuropsychological Medical Examination**

Date: Monday, April 10, 2023  
Time: 8:00 AM  
Location: St. Louis, Missouri  
Location confirmation on or before April 3, 2023  
Examiner: Levi Armstrong, Psy.D., M.S., PsyPharm

**T.J.'s Neuropsychological Medical Examination**


Date: Tuesday, April 11, 2023  
Time: 8:00 AM  
Location: St. Louis, Missouri  
Location confirmation on or before April 3, 2023  
Examiner: Levi Armstrong, Psy.D., M.S., PsyPharm

**S.J.'s Neuropsychological Medical Examination**

Date: Wednesday, April 12, 2023  
Time: 8:00 AM  
Location: St. Louis, Missouri  
Location confirmation on or before April 3, 2023  
Examiner: Levi Armstrong, Psy.D., M.S., PsyPharm

Unless otherwise agreed between counsel for plaintiffs and defendants, the manner, conditions, and scope of each examination shall be as specified in the motion. *See* [DE-90] at 4-6. Any party seeking the court's intervention to resolve disputed issues regarding the IMEs ordered herein, shall (i) after meeting and conferring with opposing counsel, make the appropriate filing(s), and (ii) shall notify the undersigned's case manager for the immediate scheduling of a telephonic hearing. In addition, except as otherwise provided herein, the provisions of the Local Civil Rules shall apply to any such motions and responses.

SO ORDERED, this 12th day of April, 2023.



Brian S. Meyers  
United States Magistrate Judge